

Introduced by Senator Kuehl

February 21, 2007

An act to amend Section 14105.395 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 370, as introduced, Kuehl. Medi-Cal: organ transplants.

Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which basic health care services are provided to qualified low-income persons. Existing law authorizes the department to implement utilization controls through the establishment of guidelines, protocols, algorithms, or criteria for drugs, medical supplies, durable medical equipment, and enteral formulae.

This bill would require that these utilization controls include guidelines as to both the circumstances and the criteria that the department will use for approving facilities and personnel for organ transplants eligible for receiving reimbursement under the Medi-Cal program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares that a number
- 2 of serious problems have recently occurred in several organ
- 3 transplant programs in California.
- 4 (a) The Legislature further finds and declares that these problems
- 5 highlight the need to require transplant centers to operate in a

1 manner that best assists both those who are receiving transplants
2 and those who are awaiting transplants, as well as organ donors
3 and affected families, and also to make certain that proper expertise
4 is available to accomplish these goals.

5 (b) It is the intent of the Legislature in enacting this act to ensure
6 that local, state, and federal money continues to be efficiently
7 spent, patients are protected, and that the State Department of
8 Health Care Services further develops clarifying guidelines as they
9 continue to implement and administer their existing utilization
10 controls for organ transplants.

11 SEC. 2. Section 14105.395 of the Welfare and Institutions
12 Code is amended to read:

13 14105.395. (a) The department may implement utilization
14 controls through the establishment of guidelines, protocols,
15 algorithms, or criteria for drugs, medical supplies, durable medical
16 equipment, and enteral formulae. *These utilization controls shall*
17 *include guidelines as to both the circumstances and the criteria*
18 *that the department will use for approving facilities and personnel*
19 *for organ transplants eligible for receiving reimbursement under*
20 *the Medi-Cal program.* The department shall publish the guidelines,
21 protocols, algorithms, or criteria in the pharmacy and medical
22 provider manuals.

23 (b) The department shall issue providers written notice of
24 changes pursuant to subdivision (a) at least 30 days prior to
25 implementation.

26 (c) Changes made pursuant to this section are exempt from the
27 requirements of the Administrative Procedure Act (Chapter 3.5
28 (commencing with Section 11340), Chapter 4 (commencing with
29 Section 11370), and Chapter 5 (commencing with Section 11500)
30 of Part 1 of Division 3 of Title 2 of the Government Code), and
31 shall not be subject to the review and approval of the Office of
32 Administrative Law. The department shall consult with interested
33 parties and appropriate stakeholders in implementing this section
34 with respect to all of the following:

35 (1) Notifying the provider representatives of the proposed
36 change.

37 (2) Scheduling at least one meeting to discuss the change.

38 (3) Allowing for written input regarding the change.

- 1 (4) Providing advance notice on the implementation and
- 2 effective date of the change.

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